

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 78/076,501
Filed: July 30, 2001
Published on August 20, 2002 at TM 445

H-D MICHIGAN, INC.

Opposer,

v.

ELECTROMECHANICA DYNA S.A.

Applicant.

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Opposition No. 91154291

APPLICANT ELECTROMECHANICA DYNA S.A.
ANSWER TO NOTICE OF OPPOSITION

COMES NOW, ELECTROMECHANICA DYNA S.A. ("Applicant"), and in answer to H-D MICHIGAN, INC.'S ("Opposer") Notice of Opposition, filed in Opposition No. 91154291, in the United States Patent and Trademark Office before the Trademark Trial and Appeal Board, would respectfully show as follows:

1. Responding to the preamble of Opposer's Notice of Opposition, Applicant is without knowledge and information sufficient at this time to form a belief as to the truth of the allegation that Opposer is a corporation organized and existing under the laws of the State of Michigan and maintaining a principal place of business at 315 W. Huron Street, Suite 400, Ann Arbor, Michigan, and therefore denies same. Applicant denies the remaining allegations therein.

2. Responding to Paragraph 1 of Opposer's Notice of Opposition, Applicant is without knowledge and information sufficient at this time to form a belief as to the truth of the allegations contained therein and, therefore denies same.

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3. Responding to paragraph 2 of Opposer's Notice of Opposition, Applicant admits that from information reasonably available Opposer appears to be the owner of United States Trademark Registration Nos. 1,953,344 and 2,632,484. Applicant is without knowledge and information sufficient at this time to form a belief as to the truth of the remaining allegations contained therein and, therefore denies same.

4. Responding to paragraph 3 of Opposer's Notice of Opposition, Applicant is without knowledge and information sufficient at this time to form a belief as to the truth of the allegations contained therein and, therefore denies same.

5. Responding to paragraph 4 of Opposer's Notice of Opposition, Applicant is without knowledge and information sufficient at this time to form a belief as to the truth of the allegations contained therein and, therefore denies same.

6. Responding to paragraph 5 of Opposer's Notice of Opposition, Applicant is without knowledge and information sufficient at this time to form a belief as to the truth of the allegations contained therein and, therefore denies same.

7. Responding to paragraph 6 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

8. Responding to paragraph 7 of Opposer's Notice of Opposition, Applicant is without knowledge and information sufficient at this time to form a belief as to the truth of the allegations contained therein and, therefore denies same.

9. Responding to paragraph 8 of Opposer's Notice of Opposition, Applicant is without knowledge and information sufficient at this time to form a belief as to the truth of the allegations contained therein and, therefore denies same.

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10. Responding to paragraph 9 of Opposer's Notice of Opposition, Applicant is without knowledge and information sufficient at this time to form a belief as to the truth of the allegations contained therein and, therefore denies same.

11. Responding to paragraph 10 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

12. Responding to the relief requested in Opposer's prayer for relief, Applicant denies that Opposer is entitled to the relief sought and denies all allegations relating thereto.

13. Any allegation set forth in Opposer's Notice of Opposition which is not specifically admitted by Applicant herein, is denied.

AFFIRMATIVE DEFENSES

14. Applicant would show there is no likelihood of confusion, mistake or deception of the purchasing public between Opposer's mark and Applicant's mark when considered in their entireties and in view of the goods and/or services the marks at issue represent.

15. Applicant would show that Opposer's opposition is barred by the doctrine of laches.

16. Applicant would show that the Opposer's opposition is barred by the doctrine of acquiescence.

WHEREFORE, Applicant prays that Opposer take nothing by reason of its improper Notice of Opposition, that this Opposition be dismissed with prejudice to the refiling of same and that Applicant have judgment against Opposer for costs and for such other and further relief as the Trademark and Trial and Appeal Board may find just and proper.

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Dated this 14th day of February, 2003.

Respectfully submitted,

By: 

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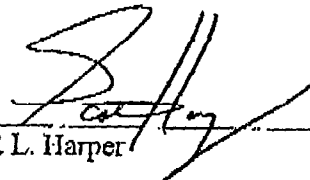
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CERTIFICATE OF MAILING UNDER 37 CFR § 1.10

MARK: D3G DYNA 3A GERACAO (Stylized)
SERIAL NO.: 78/076,501
OPPOSITION NO.: 91154291
**NAME OF PARTY
FILING PAPERS:** ELECTROMECHANICA DYNA S/A
TYPE OF PAPERS: ANSWER TO NOTICE OF OPPOSITION

I hereby certify that the above-identified document is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, Mail Label No. EV090930695US, addressed to Box 11TAB, No Fee, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on February 14, 2003.



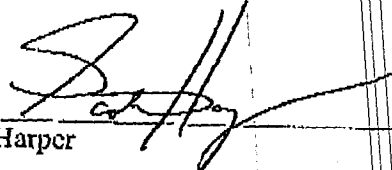
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of Applicant Electromecanica Dyna S/A's Answer to Notice of Opposition has been served on Jennifer S. Anderson, Esq., 315 W. Huron, #400, Ann Arbor, Michigan 48103, attorney for Opposer, via certified mail, return receipt requested, on this 14th day of February, 2003.



Scott L. Harper

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Facsimile Cover Sheet

To: LaToya Johnson Paralegal	Facsimile No.: 703-746-8164
Main No. of Receiving Firm:	
From: Scott L. Harper	No. of Pages Including Cover Sheet: 7
Message: CCRUZ.00003 H-D Michigan, Inc. v. Electromecanica Dyna S/A Opposition No. 91154291; Serial No. 78/076501 Ms. Johnson: Pursuant to our conversation, enclosed is a copy of Applicant Electromecanica Dyna S.A.'s Original Answer to the Notice of Opposition in Cancellation Proceeding No. 91154291. Please do not hesitate to contact me should you need additional information. Best Regards, Scott L. Harper	
C/M# CCRUZ.00003	Logged Date: April 9, 2003 Beatrice Velez
Please contact us at 972.367.2001 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.	<i>This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.</i>